

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,566
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition and Health Access (formerly the Department of Social Welfare) denying her General Assistance (GA) benefits.

FINDINGS OF FACT

1. The petitioner is a twenty-six-year-old woman with no dependants. She is presently unemployed and has no income. She is living in a tent in the backyard of a friend.

2. The petitioner has a ninth grade education, can read and write, and has worked on a full-time basis for most of the last five years. She has not within the last six months been enrolled in any treatment program for mental illness, drugs or alcoholism (although she states she was in a drug program a year ago and intends to enroll again in the near future).

3. On August 7, 2000 the petitioner applied for General Assistance for food and personal needs. She was denied that same day by a written notice stating that the denial occurred because she was able-bodied, had no minor dependents and did not have two barriers to employment. At an "expedited hearing" held that day the petitioner admitted she knew of the

availability of homeless shelters in her community.

ORDER

The decision of the Department is affirmed.

REASONS

The facts of the petitioner's case indicate that she is without income or resources at this time. However, the regulations adopted by the Department of Social Welfare do not adopt destitution as the sole standard for receiving General Assistance. Unless there is a catastrophic situation--defined in the regulations as death of a spouse or minor child, a court-ordered or constructive eviction, a natural disaster or an emergency medical need, see WAM 2602--an individual without dependent children who is able-bodied can only be assisted if two or more of the following employment barriers are met:

- a. Age 55 or over.
- b. Eighth-grade education or less -or- inability to read or write. Eighth grade education is completion of eighth-grade, but not completion of ninth grade.
- c. Employment or self-employment of fewer than six months in the last five years and full-time student status fewer than six months in the last five years.
- d. Release from a mental health institution or mental health hospital unit within the last 6 months.
- e. Participating in a state or federally funded drug or alcohol treatment program.

W.A.M. 2600 (B)(3)

The Board has held that the availability of a homeless

shelter constitutes suitable alternative temporary housing, even for individuals who are facing a "catastrophic situation" as defined in the above regulations. See W.A.M. 2613.2.

Thus, given that a shelter is available to the petitioner, the Board need not consider whether her situation meets the requirements of a court-ordered or constructive eviction.

Given the facts that she has no dependent children and is able to work, she must demonstrate two of the employment barriers listed above to be eligible for General Assistance.

As noted above, the petitioner's factual situation does not indicate that any of the barriers are met. It must be concluded that the petitioner does not meet the eligibility criteria for General Assistance and that the Department's decision was consistent with its regulations and must, therefore, be upheld. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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